

REMARKS

This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action mailed July 21, 2009. Applicant respectfully requests reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 44 and 57-69 have been canceled without prejudice to further prosecution on the merits. Claims 34, 39-41, 45, 46, 50-52 and 70 have been amended. New Claims 71-77 have been added to provide claims of varying scope. Accordingly, Claims 34-43, 45-56 and 70-77 will be pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Drawings

On pages 6-7 of the Detailed Action, the Examiner appears to be alleging that a drawing has not been submitted in the present Application. The Examiner noted that the present Application admits of illustration by a drawing to facilitate understanding of the invention and requested that Applicant submit such drawings.

In response, Applicant notes that the present Application is an application that has been filed under 35 U.S.C. § 371(c) and that a copy of the International Application, including the drawings, has been communicated to the United States Patent Office by the International Bureau. As such, a separate copy of the drawings were not provided, and did not need to be provided, upon entering the national stage. Applicant notes that a copy of the drawings has been received by the United States Patent Office as evidenced by U.S. Patent Application Publication No. 20050198874, which includes the drawings. Accordingly, Applicant does not believe that any additional action is required.

Claim Rejections – 35 U.S.C. § 112

On pages 2-4 of the Detailed Action, the Examiner rejected Claims 34-56 and 70 under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

With regard to independent Claim 34, the Examiner alleged that the words “to soften the cover material” are unclear. The confusion appears to be created because the Examiner believes that “softening” is distinct from “moistening.” Applicant respectively disagrees, and believes that independent Claim 34 is clear as previously presented. The way that independent Claim 34 reads is that a “moistening” of the cover material leads to a “softening” of the cover material. This is the intended reading of independent Claim 34. A person having ordinary skill in art, after reviewing the present Application, would clearly understand that the cover material can be softened by adding moisture to the cover material (see, e.g., paragraph [0012] which states “[t]he method generally includes the step of softening the fibers of the covering material in a treatment chamber 8 by the supply of moisture...”).

With regard to Claims 39-41, 45, 46 and 50-52, the Examiner alleged that these claims include language which is indefinite or confusing in that it is unclear as to whether a method step is intended. In response, Applicant has amended Claims 39-41, 45, 46 and 50-52 for clarity to positively recite a method step where intended.

With regard to Claim 70, the Examiner alleged that the scope of the desired patent protection is unclear because the claim includes method steps rather than defining structure. In response, Applicants have amended Claim 70 to depend from independent Claim 34.

Accordingly, Applicant respectfully requests withdrawal of the rejections to Claims 34-56 and 70 under 35 U.S.C. § 112, ¶ 2.

Allowable Subject Matter

On page 7 of the Detailed Action, the Examiner indicated that Claims 37, 38 and 52-54 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, ¶ 2 set forth above and to include all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for this notice of allowable subject matter. In response, Applicant has chosen to rewrite Claim 37 as a new independent Claim 71. Independent Claim 71 has been written to address the rejection(s) under 35 U.S.C. § 112, ¶ 2 set forth above and to include all of the limitations of their base claim and any intervening claims. Dependent Claims 72-74, which depend from independent Claim 71, are allowable therewith for at least the reason of their dependency, without regard to the further patentable limitations set forth in such claims. Applicant has also chosen to rewrite Claim 52 as a new independent Claim 75. However, it should be noted that independent Claim 75 has not been written to include all of the limitations of the intervening claims. Specifically, the subject matter of Claims 48 and 49 was not included in Claim 75. Applicant submits that independent Claim 75 is allowable over of the prior art of record without the inclusion of such subject matter.

Despite rewriting Claims 37 and 52 in independent form, Applicant wishes to make it unmistakably clear that it does not agree to or acquiesce in the rejections under 35 U.S.C. §§ 102 and 103 detailed below. Claims 37 and 52 have been rewritten in independent form only to obtain prompt allowance of claims reciting subject matter indicated as allowable by the Examiner.

Claim Rejections – 35 U.S.C. §§ 102(b) and 103(a)

On pages 4-5 of the Detailed Action, the Examiner rejected Claims 34, 41-47, 51 and 55 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,815,961 to Estes et al. (“Estes et al.”). On pages 5-6 of the Detailed Action, the Examiner rejected Claims 35, 36, 39, 40 and 48-50 under 35 U.S.C. § 103(a) as being unpatentable over Estes et al. These rejections should be withdrawn because Estes et al. fails to disclose, teach or suggest the claimed invention.

For example, independent Claim 34 (as amended) recites a “method of treating a cover material for use with an interior vehicle component” comprising, among other elements, “smoothing the cover material by providing a drawing force that extends the cover material, wherein the drawing force is produced by depositing the cover material onto an elastically compressible base of the interior vehicle component” (emphasis added).

Estes et al. fails to disclose, teach or suggest such a method. In contrast, Estes et al. discloses a “clothes treating apparatus 10” for steaming, dewrinkling and deodorizing clothing. The clothes treating apparatus includes an “inflatable bag 30” over which a shirt-like clothes item is intended to be placed about. When the “inflatable bag 30” is inflated, any shirt-like clothes item placed about the inflatable bag is pressed against the interior walls of the “cabinet 12” to remove wrinkles (col. 4, lines 14-22). While Applicant does not necessarily agree with the Examiner that the “inflatable bag” is analogous to the “elastically compressible base” recited in the claim, Applicant has amended the subject matter previously recited in dependent Claim 44 to clarify that the “elastically compressible base” is not just any elastically compressible structure, but rather is a portion of the interior vehicle component for which the cover material is to be used on. Estes et al. does not disclose, teach or suggest such a method because the “inflatable bag 30” disclosed in Estes et al., to the extent that it is even analogous to the claimed “elastically compressible base,” is part of the “treating apparatus 10.”

Accordingly, Applicant respectfully requests withdrawal of the rejection of independent Claim 34 because at least one element of such claim is not disclosed, taught or suggested by Estes et al. Applicant submits that Claims 35, 36, 39-43, 45-51 and 55, as they depend from Claim 34, are allowable therewith at least because of their dependency, without regard to the further patentable subject matter set forth in such claims. Reconsideration and withdrawal of the rejection of Claims 19-29 is respectfully requested.

New Claims

Applicant has added new Claims 71-77 to provide claims of varying scope. As indicated above, new independent Claims 71 and 75 related to previously submitted dependent Claims 37

and 52 respectively. New Claims 76 and 77 depend from independent Claim 34 and are allowable therewith at least because of their dependency, without regard to the further patentable subject matter set forth in such claims. Consideration and allowance of new Claims 71-77 is respectfully requested.

* * *

Applicant respectfully submits that each and every pending rejection has been overcome, and that the present Application is in a condition for allowance. In particular, even when the elements of Applicant's claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the Application is respectfully requested.

Further, Applicant respectfully puts the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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